



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Steven R. Lange

Attorney Docket No.: KLA1P027X1/P742

Application No.: 10/072,469

Examiner: Ben, Loha

Filed: February 6, 2002

Group: 2873

Title: MULTI-DETECTOR MICROSCOPIC
INSPECTION SYSTEM

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first-class mail on August 11, 2003 in an envelope addressed to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.

Signed: _____

Leslie Russell

PETITION TO REVIVE UNINTENTIONALLY
ABANDONED APPLICATION

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby petitions that this application be revived in the case that it is regarded as abandoned. This application might be abandoned under 35 U.S.C. §122(b)(2)(B)(iii), which is recited below.

35 U.S.C. §122(b)(2)(B)(iii) An applicant who has made a request under clause (i) but who *subsequently* files, in a foreign country or under a multilateral international agreement specified in clause (i), an application directed to the invention disclosed in the application filed in the Patent and Trademark Office, shall notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional. (*Emphasis in italics*)

08/15/2003 AWONDAF1 00000029-10072469

01 FC:1453

1300.00 OP

In the present application, a "non-publication request" under clause (i) was made and a prior application directed to the invention disclosed in the present application was filed under a multilateral international agreement as specified in clause (i). However, the prior application was filed under the multilateral international agreement *prior to* the "non-publication request." Therefore, it is believed that 35 U.S.C. §122(b)(2)(B)(iii) does not apply to this application and that this application should not be regarded as abandoned. Also please refer to the U.S. PTO website's answers and questions regarding Pre-Grant Publications or 18-month Publication. It is

RECEIVED

AUG 15 2003

OFFICE OF PETITIONS

believed that answer and question CQ6 also suggests that the present application should not be regarded as abandoned. (see

<http://www.uspto.gov/web/offices/dcom/olia/aipa/infoexch.htm#cq>. Current as of August 8, 2003.)

Again, this petition is filed in the case that the present application is regarded as abandoned and should not be interpreted as an admission that the application is abandoned. Therefore, if this application is regarded as abandoned, please revive the application as the petition fee for reviving an unintentional application has been submitted and it is submitted that the "non-publication request" filed at the time of the filing of this application was unintentional.

However, if the application is not considered to be abandoned, it is respectfully requested that the submitted petition fee be returned to the Applicant.

☒ Check No. 7761 in the amount of \$1,300.00 for a Large Entity is enclosed for the petition fee (1.17(m)).

☒ The Commissioner is authorized to charge any fees beyond the amount enclosed which may be required, or to credit any overpayment, to Deposit Account No. 500388 (Order No. KLA1P027X1).

Respectfully submitted,

BEYER WEAVER & THOMAS, LLP



Phillip P. Lee

Registration No. 46,866

P.O. Box 778
Berkeley, CA 94704-0778
(510) 843-6200